



Verizon and allow counsel for the City to produce the records it receives from Verizon subject to the following limitations:

- a. The City can redact all data and calls from January 1, 2024 to the present.
- b. The Plaintiffs must provide counsel for the City with specific numbers and/or individuals to apply to the remaining data and call logs. All other calls and data will be redacted.
- c. Alternatively, the City will redact any personal and/or non-relevant calls and data from the logs.
- d. The records will be produced subject to the parties Agreed Protective Order; and
- e. The Plaintiffs are barred from contacting any of the numbers contained on the call logs.

3. The City maintains that the Verizon subpoena is overly broad and not proportionate to the needs of the case, because it seeks all call logs and data for broad ranges of dates. Through their subpoena, the Plaintiffs make no attempt to limit the data sought to information relevant to their claims. By seeking all data and call logs, without any limitations as to content or number, the Plaintiffs are essentially conceding that the information produced will include personal calls and data unrelated to the instant litigation. This type of blind search for something useful for the Plaintiffs is explicitly disallowed by the Federal Rules of Civil Procedures, which limits discovery to “information relevant to any party’s claim or defense and proportional to the needs of the case...” Fed. R. Civ. Pro. 26(b)(1). *See also Mackelprang v. Fid. Nat'l Title Agency of Nev., Inc.*, No. 2:06-cv-00788-JCM-GWF, 2007 WL 119149, at \*2 (D. Nev. Jan. 9, 2007).

4. Counsel for the City conferred with Plaintiffs' counsel in good faith in an effort to resolve this dispute without court intervention, and counsel was unable to reach an agreement regarding the Verizon subpoena. (Declaration of Emily C. Taylor, ¶¶ 9-11).

In Support of its Motion for a Protective Order and/or Motion to Quash, the City relies upon its Memorandum of Law in Support of Motion for a Protective Order and/or Motion to Quash, filed contemporaneously with the instant Motion, the Declaration of Emily C. Taylor, and Exhibits 1-3 to the Declaration of Emily C. Taylor.

RESPECTFULLY submitted this 29<sup>th</sup> day of August, 2024.

CITY OF JOHNSON CITY, TN

By: s/ Emily C. Taylor

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system:

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Dated this 29<sup>th</sup> day of August, 2024.

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